

THE LAW OFFICES OF  
ANDREW J. FRISCH

40 FULTON STREET  
23RD FLOOR  
NEW YORK, NEW YORK 10038

(212) 285-8000  
FAX: (846) 304-0352  
[WWW.ANDREWFRISCH.COM](http://WWW.ANDREWFRISCH.COM)

September 24, 2013

BY ECF


The Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: United States v. Bonventre et. al.  
Criminal Docket No. 10-cr-228 (LTS)

Dear Judge Swain:

On behalf of all defendants in the above-referenced case, I submit herewith a proposed verdict sheet. Because we believe the government's proposed verdict sheet is inadequate, we respectfully submit our own proposal for Your Honor's review.

Respectfully submitted,

  
Andrew J. Frisch

cc: All Counsel

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

DANIEL BONVENTRE,  
ANNETTE BONGIORNO,  
JOANN CRUPI,  
JEROME O'HARA, and  
GEORGE PEREZ,

Defendants.

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VERDICT FORM

**Count One**

1. With respect to Count One, which charges all the defendants with knowingly and willfully conspiring to defraud Madoff Securities Investment Advisory clients through securities fraud, failure to make and keep records required of a broker-dealer, failure to maintain records required of an investment adviser, and mail fraud, how do you find each of the defendants?

a. DANIEL BONVENTRE  
Guilty ☐ Not Guilty ☐

b. ANNETTE BONGIORNO  
Guilty ☐ Not Guilty ☐

c. JOANN CRUPI  
Guilty ☐ Not Guilty ☐

d. JEROME O'HARA  
Guilty ☐ Not Guilty ☐

e. GEORGE PEREZ  
Guilty ☐ Not Guilty ☐

- 1a. If you marked "guilty" for any defendant above, what object of the conspiracy, if any, do you unanimously find that the government has proven beyond a reasonable doubt, and for which defendant, if any? If you marked "Not Guilty", leave blank.

a. Securities Fraud ☐

As to: Bonventre ☐ Bongiorno ☐ Crupi ☐ O'Hara ☐ Perez ☐

b. Failure to make and keep records required of broker-dealer ☐

As to: Bonventre ☐ Bongiorno ☐ Crupi ☐ O'Hara ☐ Perez ☐

c. Failure to maintain records required of an investment adviser ☐

As to: Bonventre ☐ Bongiorno ☐ Crupi ☐ O'Hara ☐ Perez ☐

d. Mail Fraud ☐

As to: Bonventre ☐ Bongiorno ☐ Crupi ☐ O'Hara ☐ Perez ☐

**Count Two**

2. With respect to Count Two, which charges defendants Daniel Bonventre, JoAnn Crupi, Jerome O'Hara, and George Perez with conspiracy to commit securities fraud, failure to make and keep records required of a broker-dealer, and failure to maintain records required of an investment adviser, all in connection with audits of Madoff Securities, how do you find each of the defendants?

a. DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

b. JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

c. JEROME O'HARA  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

d. GEORGE PEREZ  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

- 2a. If you marked "guilty" for any defendant above, what object of the conspiracy, if any, do you unanimously find that the government has proven beyond a reasonable doubt, and for which defendant, if any? If you marked "Not Guilty", leave blank.

a. Securities Fraud \_\_\_\_

As to: Bonventre \_\_\_\_ Crupi \_\_\_\_ O'Hara \_\_\_\_ Perez \_\_\_\_

b. Failure to make and keep records required of broker-dealer \_\_\_\_

As to: Bonventre \_\_\_\_ Crupi \_\_\_\_ O'Hara \_\_\_\_ Perez \_\_\_\_

c. Failure to maintain records required of an investment adviser \_\_\_\_

As to: Bonventre \_\_\_\_ Crupi \_\_\_\_ O'Hara \_\_\_\_ Perez \_\_\_\_

**Count Three**

3. With respect to Count Three, which charges Daniel Bonventre with conspiring to commit securities fraud, failure to make and keep records and reports required of a broker-dealer, failure to maintain records required of an investment adviser, mail fraud, and bank fraud how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

- 3a. If you marked "guilty", what object of the conspiracy, if any, do you unanimously find that the government has proven beyond a reasonable doubt? If you marked "Not Guilty", leave blank.

- a. Securities Fraud \_\_\_\_
- b. Failure to make and keep records required of broker-dealer \_\_\_\_
- c. Failure to maintain records required of an investment adviser \_\_\_\_
- d. Mail Fraud \_\_\_\_
- e. Bank Fraud \_\_\_\_

**Count Four**

4. With respect to Count Four, which charges Daniel Bonventre with conspiracy to commit tax fraud, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Five**

5. With respect to Count Five, which charges Daniel Bonventre with conspiring to make false statements in documents required under the ERISA laws, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Six**

6. With respect to Count Six, which charges all the defendants with securities fraud on Madoff Securities Investment Advisory clients, how do you find each of the defendants?

a. DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

b. ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

c. JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

d. JEROME O'HARA  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

e. GEORGE PEREZ  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Seven**

7. With respect to Count Seven, which charges Daniel Bonventre, JoAnn Crupi, Jerome O'Hara, and George Perez with securities fraud in connection with the European accounting firm's reviews, how do you find each of the defendants?

a. DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

b. JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

c. JEROME O'HARA  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

d. GEORGE PEREZ  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Eight**

8. With respect to Count Eight, which charges Daniel Bonventre with securities fraud in connection with Madoff Securities' accounting practices, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Nine**

9. With respect to Count Nine, which charges all defendants with knowingly and willfully failing to make and keep records required of a broker-dealer, specifically alleged fake trading documents, how do you find each of the defendants?

a. DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

b. ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

c. JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

d. JEROME O'HARA  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

e. GEORGE PEREZ  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

- 9a. If you marked "guilty" for any defendant above, please indicate below which false document or documents, or which category or categories of false documents, you have unanimously found that the particular defendant or defendants knowingly and willfully participated in making or maintaining.

a. DANIEL BONVENTRE \_\_\_\_\_

b. ANNETTE BONGIORNO \_\_\_\_\_

c. JOANN CRUPI \_\_\_\_\_

d. JEROME O'HARA \_\_\_\_\_

e. GEORGE PEREZ \_\_\_\_\_

**Count Ten**

10. With respect to Count Ten, which charges Daniel Bonventre, JoAnn Crupi, Jerome O'Hara and George Perez with knowingly and willfully failing to make and keep records required of a broker dealer, relating to the SEC & European accounting firm's reviews, how do you find each of the defendants?

a. DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

b. JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

c. JEROME O'HARA  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

d. GEORGE PEREZ  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

10a. If you marked "guilty" for any defendant above, please indicate below which false document or documents, or which category or categories of false documents, you have unanimously found that the particular defendant or defendants knowingly and willfully participated in making or maintaining.

a. DANIEL BONVENTRE \_\_\_\_\_

b. JOANN CRUPI \_\_\_\_\_

c. JEROME O'HARA \_\_\_\_\_

d. GEORGE PEREZ \_\_\_\_\_



**Count Eleven**

11. With respect to Count Eleven, which charges Daniel Bonventre with knowingly and willfully failing to make and keep records required of a broker-dealer, relating to alleged false accounting documents, how do you find the defendant?

DANIEL BONVENTRE

Guilty \_\_\_\_ Not Guilty \_\_\_\_

- 11a. If you marked "guilty" above, please indicate below which false document or documents, or which category or categories of false documents, you have unanimously found that the defendant knowingly and willfully participated in making or maintaining.

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**Count Twelve**

12. With respect to Count Twelve, which charges all the defendants with knowingly and willfully failing to make and keep the records and reports required of an investment advisor, specifically, alleged fake trading documents, how do you find each of the defendants?

a. DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

b. ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

c. JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

d. JEROME O'HARA  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

e. GEORGE PEREZ  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

12a. If you marked "guilty" for any defendant above, please indicate below which false document or documents, or which category or categories of false documents, you have unanimously found that the particular defendant or defendants knowingly and willfully participated in making or maintaining.

a. DANIEL BONVENTRE \_\_\_\_\_

b. ANNETTE BONGIORNO \_\_\_\_\_

c. JOANN CRUPI \_\_\_\_\_

d. JEROME O'HARA \_\_\_\_\_

e. GEORGE PEREZ \_\_\_\_\_

**Count Thirteen**

13. With respect to Count Thirteen, which charges Daniel Bonventre, JoAnn Crupi, Jerome O'Hara, and George Perez with knowingly and willfully failing to make and keep records and reports required of an investment adviser, in connection with the European accounting firm's reviews, how do you find each of the defendants?

a. DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

b. JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

c. JEROME O'HARA  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

d. GEORGE PEREZ  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

13a. If you marked "guilty" for any defendant above, please indicate below which false document or documents, or which category or categories of false documents, you have unanimously found that the particular defendant or defendants knowingly and willfully participated in making or maintaining.

a. DANIEL BONVENTRE \_\_\_\_\_

b. JOANN CRUPI \_\_\_\_\_

c. JEROME O'HARA \_\_\_\_\_

d. GEORGE PEREZ \_\_\_\_\_

**Count Fourteen**

14. With respect to Count Fourteen, which charges Daniel Bonventre with knowingly and willfully failing to make and keep the records and reports required of an investment advisor, relating to alleged false accounting documents, how do you find the defendant?

DANIEL BONVENTRE

Guilty \_\_\_\_ Not Guilty \_\_\_\_

- 14a. If you marked "guilty" above, please indicate below which false document or documents, or which category or categories of false documents, you have unanimously found that the defendant knowingly and willfully participated in making or maintaining.
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**Count Fifteen**

15. With respect to Count Fifteen, which charges Daniel Bonventre with knowingly and willfully failing to make and disseminate reports required of a broker-dealer, how do you find the defendant?

DANIEL BONVENTRE

Guilty \_\_\_\_ Not Guilty \_\_\_\_

- 15a. If you marked "guilty" above, please indicate below which false document or documents, or which category or categories of false documents, for which you found that the defendant knowingly and willfully participated in creating.
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**Count Sixteen**

16. With respect to Count Sixteen, which charges JoAnn Crupi with conspiring to commit bank fraud, how do you find the defendant?

JOANN CRUPI

Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Seventeen**

17. With respect to Count Seventeen, which charges JoAnn Crupi with bank fraud, how do you find the defendant?

JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Eighteen**

18. With respect to Count Eighteen, which charges Daniel Bonventre with bank fraud, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Nineteen**

19. With respect to Count Nineteen, which charges Daniel Bonventre with knowingly and willfully making false filings in documents required under the ERISA laws, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty**

20. With respect to Count Twenty, which charges Daniel Bonventre with willfully making and subscribing to a false income tax return for the year 2003, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-One**

21. With respect to Count Twenty-One, which charges Daniel Bonventre with willfully making and subscribing to a false income tax return for the year 2004, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-Two**

22. With respect to Count Twenty-Two, which charges Daniel Bonventre with willfully making and subscribing to a false income tax return for the year 2006, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-Three**

23. With respect to Count Twenty-Three, which charges Daniel Bonventre with willfully making and subscribing to a false income tax return for the year 2007, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-Four**

24. With respect to Count Twenty-Four, which charges Daniel Bonventre with corruptly obstructing the due administration of the Internal Revenue laws, how do you find the defendant?

DANIEL BONVENTRE  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-Five**

25. With respect to Count Twenty-Five, which charges Annette Bongiorno with tax evasion for the year 2004, how do you find the defendant?

ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-Six**

26. With respect to Count Twenty-Six, which charges Annette Bongiorno with tax evasion for the year 2005, how do you find the defendant?

ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-Seven**

27. With respect to Count Twenty-Seven, which charges Annette Bongiorno with tax evasion for the year 2006, how do you find the defendant?

ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-Eight**

28. With respect to Count Twenty-Eight, which charges Annette Bongiorno with tax evasion for the year 2007, how do you find the defendant?

ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Twenty-Nine**

29. With respect to Count Twenty-Nine, which charges Annette Bongiorno with tax evasion for the year 2008, how do you find the defendant?

ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Thirty**

30. With respect to Count Thirty, which charges Annette Bongiorno with corruptly obstructing the due administration of the Internal Revenue laws, how do you find the defendant?

ANNETTE BONGIORNO  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Thirty-One**

31. With respect to Count Thirty-One, which charges JoAnn Crupi with tax evasion for the year 2004, how do you find the defendant?

JOANN CRUPI  
Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Thirty-Two**

32. With respect to Count Thirty-Two, which charges JoAnn Crupi with tax evasion for the year 2007, how do you find the defendant?

JOANN CRUPI

Guilty \_\_\_\_ Not Guilty \_\_\_\_

**Count Thirty-Three**

33. With respect to Count Thirty-Three, which charges JoAnn Crupi with tax evasion for the year 2008, how do you find the defendant?

JOANN CRUPI

Guilty \_\_\_\_ Not Guilty \_\_\_\_

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FOREPERSON